

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Vicky Wicker,

Plaintiff,

-vs-

Jo Anne Barnhart, Commissioner of Social
Security Administration,

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Civil No. 3:06-cv-05

Plaintiff Vicky Wicker, sought judicial review of the final decision of the Commissioner of Social Security denying her application for disability insurance benefits. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (2002), recommending that Plaintiff's Motion for Summary Judgment (doc. #5) be denied, Defendant's Motion for Summary Judgment (doc. #7) be denied, and Plaintiff's Motion for remand under Sentence Four (doc. #9) be granted. No party has filed an objection to this recommendation within the requisite time period. Local Rule 72.1(E)(4).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Summary Judgment is **DENIED**, Defendant's Motion for Summary Judgment is **DENIED**, and Plaintiff's Motion for Remand under Sentence Four is **GRANTED** with directions to determine whether Wicker was disabled from October 20, 2003 to May 5, 2005.

IT IS SO ORDERED

Dated this 28th day of March, 2007.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court